



## Senate

General Assembly

**File No. 256**

January Session, 2009

Substitute Senate Bill No. 1074

*Senate, March 26, 2009*

The Committee on Energy and Technology reported through SEN. FONFARA, J. of the 1st Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### ***AN ACT CONCERNING TEST BED TECHNOLOGIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective from passage*) (a) If, in the exercise of the
- 2 Secretary of the Office of Policy and Management's powers pursuant to
- 3 title 16a of the general statutes, the secretary finds that the use of a
- 4 certain technology, product or process would promote energy
- 5 conservation, energy efficiency or renewable energy technology, the
- 6 secretary may direct a state agency to test such technology, product or
- 7 process by using it in the operations of such agency on a trial basis.
- 8 The purpose of such test program shall be to validate the effectiveness
- 9 of such technology, product or process in reducing energy usage and
- 10 costs or reducing dependence on fossil fuels or green house gas
- 11 emissions. No agency shall undertake such testing of any technology,
- 12 product or process unless the business manufacturing or marketing the
- 13 technology, product or process demonstrates that (1) the use of such
- 14 technology, product or process by the state agency will not adversely

15 affect safety, (2) a certified independent third party or accredited  
16 laboratory has found that the technology, product or process reduces  
17 energy consumption and cost, and (3) the technology, product or  
18 process is presently available for commercial sale and distribution or  
19 has potential for commercialization not later than two years following  
20 the completion of any test program by a state agency pursuant to this  
21 section.

22 (b) If the secretary finds that using such technology, product or  
23 process would be feasible in the operations of a state agency and  
24 would not have any detrimental effect on such operations, the  
25 secretary, notwithstanding the requirements of chapter 58 of the  
26 general statutes, may direct a state agency to accept delivery of such  
27 technology, product or process and to undertake such a test program.  
28 Any costs associated with the acquisition and use of such technology,  
29 product or process by the testing agency for the test period shall be  
30 borne by the manufacturer, the marketer or any investor or participant  
31 in such business. The acquisition of any technology, product or process  
32 for purposes of the test program established pursuant to this section  
33 shall not be deemed to be a purchase under the provisions of state  
34 procurement law. The manufacturer, the marketer or any investor or  
35 participant in such business shall maintain records related to such test  
36 program, as required by the secretary. All proprietary information  
37 derived from such test program shall be exempt from the provisions of  
38 subsection (a) of section 1-210 of the general statutes.

39 (c) If the secretary determines that the test program sufficiently  
40 demonstrates that the technology, product or process reduces energy  
41 usage and costs or reduces dependence on fossil fuels or green house  
42 gas emissions, the testing agency may request that the Commissioner  
43 of Administrative Services (1) procure such technology for use by any  
44 or all state agencies, and (2) make such procurement pursuant to  
45 subsection (b) of section 4a-58 of the general statutes.

This act shall take effect as follows and shall amend the following sections:
-------------------------------------------------------------------------------

Section 1	<i>from passage</i>	New section
-----------	---------------------	-------------

**ET**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

---

**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

---

**OLR Bill Analysis****sSB 1074*****AN ACT CONCERNING TEST BED TECHNOLOGIES.*****SUMMARY:**

This bill allows the Office of Policy and Management (OPM) secretary, under certain circumstances, to direct a state agency to test a technology, product, or process that would promote energy conservation, energy efficiency, or renewable energy by using it in the agency's operations on a trial basis. The bill applies when the secretary is exercising his powers under Title 16a, which gives him various powers and responsibilities regarding energy policy and programs. Any costs associated with acquiring and using the technology, product, or process by the testing agency for the test period must be paid by its manufacturer, marketer, or investors, or participants in the business.

Under the bill, if the secretary determines that the program sufficiently demonstrates that the technology, product, or process reduces energy usage and costs or reduces dependence on fossil fuels or greenhouse gas emissions, the testing agency may request that the administrative services commissioner to procure technology for use by any or all state agencies pursuant to existing state procurement law.

EFFECTIVE DATE: Upon passage

**TEST PROGRAM**

The test program is meant to validate the effectiveness of the technology, product, or process in reducing energy usage and costs or reducing dependence on fossil fuels or greenhouse gas emissions. No agency may test any technology, product, or process unless its manufacturer or marketer demonstrates that (1) its use by the state

agency will not harm safety; (2) sufficient research and development have occurred to warrant participation in the program; and (3) the technology, product, or process has potential for commercialization within two years after a state agency completed test program.

If the secretary finds that using the technology, product, or process would be feasible in an agency's operation and would not harm these operations in any way, he may direct an agency to accept delivery of it and to undertake a test program, notwithstanding the requirements of state purchasing law. The acquisition of a technology, product, or process for the program is not considered a purchase under state procurement law. The testing agency must maintain records on the program, as required by the secretary. All proprietary information derived from the program is exempt from the Freedom of Information Act.

### **COMMITTEE ACTION**

Energy and Technology Committee

Joint Favorable Substitute

Yea    21        Nay    0        (03/10/2009)